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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 939,212	08 24 2001	Joseph C. Drozd	D-2912	3388

33197 7590 07 23 2003

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

EXAMINER

MEDLEY, MARGARET B

ART UNIT PAPER NUMBER

1714

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,212

Applicant(s)

DROZD ET AL.

Examiner

Margaret B. Medley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-23, 26-33 and 35-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-23, 26-33 and 35-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

b) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and 122.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 4) ☐ Interview Summary (PTO-413) Paper Notes

DETAILED ACTION

This office action is in response to Paper No. 10 dated April 24, 2003.

The amendment to claims 1, 2, 12-16, 18, 31-33 and 38, the cancellation of claims 17, 24-25 and 34 and the addition of claims 41-58 in Paper No. 10 dated April 24, 2003 have been entered of record.

The pending claims of record are claims 1-16, 18-23, 26-33 and 35-58.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-16, 18-23, 26-33, 35-51, 56 and 57 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Martin et al (Martin) 6,238,554B1, note figure 1, and column 3, lines 26-60 and column 4, lines 1-16; figure 2 and column 4 lines 17-37; figure 3, lines 13-32; figure 4, and line 64 to column 7, line 27; and figure 5 and lines 28-58 and claims 1-19 and column 8 lines 1-10 wherein a fuel filter for filtering fuel and adapted to release a fuel additive into said fuel at a controlled rate having a fuel filter assembly comprising a chamber including an inlet and an outlet for fuel, a filter element disposed within said chamber and positioned between said inlet and outlet for fuel, a source of fuel additive disposed in said chamber, a semi-preamble membrane orifice

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plate for retaining the orifice in place; and wherein the container with the additive contacts a fuel for slow release of the additive anticipating the instant claims.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 52-55 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al (Martin) 6,238,554B1 as applied to claims 1-16, 18-23, 35-51, 56 and 57 above, and further in view of Martin et al (Martin) 6,238,554B1.

Applicant further claims a container for releasing a chemical additive in a liquid fuel with a wall structured having two spaced apart openings and method for releasing the additive in a fuel wherein figures 1 and 3-5 of Martin does not explicitly show more than one opening.

Martin teaches that the inner housing assembly (chamber) can be formed to include a variety of structures and openings to allow migration of fuel into the inner chamber, column 8 lines 1-6. Patentee teachings clearly contemplates more than one opening in the chambers that render obvious the further teachings of at least two openings in instant claims 52-55 and 58.

The prior art made of record in Paper No. 8 dated April 24, 2003 has been

The previous rejections under 35 U.S.C. 112 second paragraph, 102 and 103 are withdrawn in view of applicants' amendments to the claims and cancellation of other claims and arguments made of record.

Applicant's arguments with respect to claims 1-16, 18-23, 26-33 and 35-58 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret B. Medley whose telephone number is 703-208-2518. The examiner can be reached on Monday-Friday from 7:30 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

M. B. Medley/mn
July 22, 2003

Margaret B. Medley
MARGARET MEDLEY
PRIMARY EXAMINER